

Chapter 80

ENTERTAINMENT, PUBLIC

[HISTORY: Adopted by the Mayor and Council of the City of Seat Pleasant: Art. I, at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Adult entertainment — See Ch. 47.
Alcoholic beverages — See Ch. 50.
Cable television — See Ch. 71.
Curfew — See Ch. 75.
Noise — See Ch. 112.
Parks — See Ch. 116.

ARTICLE I

Music

[Adopted at time of adoption of Code¹]

§ 80-1. Findings and purpose.

A. It is found and declared that:

- (1) Having encountered previous acts of destruction and deadly violence in Seat Pleasant during previous musical performances, the following regulations of this Article recognize the city's right to protect the safety, health and welfare of the residents and visitors of the city.
- (2) Musical performances in public facilities are constitutionally protected expressions of speech which serve to primarily entertain their patrons and allow the performers an opportunity to express their artistic views.
- (3) Reasonable regulation of musical performances in public facilities are necessary to protect the public health, safety and welfare.

B. The regulations in this Article are not intended to prohibit or hamper speech which is protected by the First and Fourteenth Amendments of the United States Constitution, but merely to regulate specific activity which endangers the public welfare.

§ 80-2. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

AUDIENCE — Any anticipated gathering which exceeds 50 persons.

¹. Editor's Note: See Ch. 1, General Provisions, Art. I.

CITY — The city limits of Seat Pleasant, Maryland.

MUSICAL PERFORMANCE — All varieties of musical expression performed for profit.

PRIVATE FACILITY — All property which is privately owned and operated in the city limits of Seat Pleasant, Maryland.

PUBLIC FACILITY — All facilities open to or designated for public use, such as public parks and sidewalks, as well as the interior and areas surrounding public buildings.

REGULATED PERFORMERS — All persons or groups seeking to sponsor musical performances in any public facility within the city.

§ 80-3. Requirements.

- A. Before any musical performance can be sponsored at a public facility in the city, the sponsor will need to do the following:
 - (1) Ascertain the full name, mailing address and telephone number of the person or organization sponsoring, promoting or conducting the proposed activity.
 - (2) Ascertain the full name, mailing address and telephone number of the individual person or persons who will have supervision of and responsibility for the proposed activities.
 - (3) Ascertain the full name or stage name of the group, mailing address and telephone number of individual person or persons who will be in the performance.
 - (4) Make arrangements to provide at least one Seat Pleasant Police officer for each 50 persons in attendance.²
 - (5) Disclose the location, time and duration of the proposed musical performance.
- B. The following gate policies must be adhered to by all sponsors of musical performances:
 - (1) Each person who enters the musical performance must be scanned by a metal detector for possible concealment of a dangerous weapon.
 - (a) If the sponsor of the musical performance does not have or cannot obtain a metal detector, upon request the city will provide any sponsor with a metal detector.
 - (b) The fee for use of the city's metal detector will be the reasonable rental cost for such a device.
 - (2) Once persons have entered the area designated for the musical performance, they will not be permitted to leave and reenter without paying full admission.

². Editor's Note: Amended at time of adoption of Code; see Chapter 1, General Provisions, Art. I.

- (3) The sponsor is required to clear the public facility within one hour after the performance ends.

§ 80-4. Exemptions.

The following sponsors of musical events shall be exempt from the requirements of § 80-3, but shall otherwise be required to comply with the provisions of this Article:

- A. All religious, nonprofit and charitable organizations, including school groups.

§ 80-5. Insurance.

No musical performance will be permitted in a public facility unless the sponsor furnishes proof to the city of a public liability bond or insurance policy in an amount not less than \$200,000 for property damage and injuries, including injury resulting in death, as a proximate cause of the musical event.

§ 80-6. Security deposit.³

No musical performance will be permitted in a public facility unless the sponsor deposits \$500 in advance as a reasonable security deposit to assure that the premises will be returned in a satisfactory condition. The deposit will then be held in escrow and returned to the sponsor if the premises are returned in a satisfactory condition.

§ 80-7. Indemnification.

In addition to any site agreement signed with the city, the sponsor shall be required to sign an agreement with the city prior to the date of the scheduled event to indemnify and defend the city for any and all acts resulting in bodily injury, property damage and death resulting at the musical event.

³. Editor's Note: Amended at time of adoption of Code; see Chapter 1, General Provisions, Art. I.